



PUBLIC NOTICE

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**WIRELESS TELECOMMUNICATIONS BUREAU ANNOUNCES
REVISION OF THE START DATE FOR NEGOTIATIONS BETWEEN SPRINT NEXTEL AND
NPSPAC LICENSEES ASSIGNED TO WAVES 2 AND 3 OF 800 MHZ BAND
RECONFIGURATION.**

WT Docket No. 02-55

In July 2004, the Federal Communications Commission (Commission) adopted a *Report and Order* in this docket which, *inter alia*, reconfigured the 800 MHz band to eliminate interference to public safety and other land mobile communication systems operating in the band.¹ As specified in the *800 MHz Report and Order*, the band reconfiguration process is being overseen by a Transition Administrator (TA)² which has provided the Commission with a plan detailing when band reconfiguration will commence in each of the fifty-five 800 MHz National Public Safety Planning Advisory Committee (NPSPAC) regions.³ On March 11, 2005, the Wireless Telecommunications Bureau (Bureau) approved the TA's 800 MHz band reconfiguration schedule, *i.e.*, the grouping of the NPSPAC regions into four waves (Waves 1-4) and the dates specified by the TA for starting negotiations between Sprint Nextel Corporation and affected 800 MHz licensees in each wave.⁴

¹ See *Improving Public Safety Communications in the 800 MHz Band, Report and Order*, WT Docket No. 02-55, 19 FCC Rcd 14969 (2004) (*800 MHz Report and Order*). See also *Supplemental Order and Order on Reconsideration*, WT Docket No. 02-55, 19 FCC Rcd 25120 (2004) (*800 MHz Supplemental Order*). See also, *Memorandum Opinion and Order*, WT Docket No. 02-55, 20 FCC Rcd 16015 (2005).

² See *800 MHz Report and Order*, 19 FCC Rcd at 15070-75 ¶¶ 190-200. Additional information on the TA can be found on its web page at www.800ta.org.

³ On January 31, 2005, the TA filed a plan containing a general schedule for implementing 800 MHz band reconfiguration. See *Regional Prioritization Plan of the 800 MHz Transition Administrator*, WT Docket No. 02-55, filed January 31, 2005. The TA later amended the plan to specify a date certain for commencement of Wave 4. See letter dated February 18, 2005, from Robert B. Kelly, Squire, Sanders & Dempsey to Michael J. Wilhelm Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau, FCC. The TA's band reconfiguration schedule may be viewed at www.800ta.org.

⁴ See *Wireless Telecommunications Bureau Approves the Basic Reconfiguration Schedule Put Forth in the Transition Administrator's 800 MHz Regional Prioritization Plan, Public Notice*, 20 FCC Rcd 5159, (WTB 2005) (*TA Plan PN*).

Under the TA's original band reconfiguration schedule, reconfiguration for 800 MHz NPSPAC channels⁵ in NPSPAC regions assigned to Wave 2 is scheduled to start May 1, 2006 and reconfiguration of the 800 MHz NPSPAC channels in the NPSPAC regions assigned to Wave 3 is scheduled to start October 1, 2006.⁶ On January 31, 2006, the Bureau requested that the TA provide an assessment of whether adjustments should be made to the TA's schedule, including whether changes should be made to the scheduled start of negotiations for future waves.⁷ On March 29, 2006, the TA informed the Bureau that after consultation with major stakeholders in the rebanding process, including Sprint Nextel, public safety organizations, and equipment vendors, it recommended deferring the date for starting the reconfiguration of NPSPAC channels in the NPSPAC regions assigned to Wave 2 until August 1, 2006 and the date for starting the reconfiguration of NPSPAC channels in the NPSPAC regions assigned to Wave 3 until November 1, 2006.⁸ The TA further stated that the major stakeholders support these schedule changes, and that the changes will help maintain the integrity of the 36-month rebanding schedule established by the Commission.⁹

Under the Commission's orders in this proceeding, the TA has discretion to adjust the start date of negotiation periods in its schedule, so long as its actions do not alter the deadlines and milestones for rebanding established by the Commission.¹⁰ The Bureau concurs in the TA's recommendations with respect to the start of negotiations for NPSPAC licensees in Wave 2 and Wave 3, and directs the TA to take the necessary steps to implement these schedule revisions.¹¹ Accordingly, pursuant to the revised schedule, the three-month voluntary negotiation period for Wave 2 800 MHz NPSPAC licensees will begin on August 1, 2006 and end on October 31, 2006. The three-month mandatory negotiation period for these licensees will begin on November 1, 2006 and end on January 31, 2007. The three-month voluntary negotiation period for Wave 3 800 MHz NPSPAC licensees will begin on November 1, 2006 and end on January 31, 2006. The three-month mandatory negotiation period for these licensees will begin on February 1, 2006 and end on April 30, 2007. We emphasize that this action does not affect the 18 month interim milestones or the 36-month deadline for completion of rebanding established by the Commission.

The Reconfiguration Plan filed by the TA is available on the Commission's 800 MHz band reconfiguration web page at <http://www.800MHz.gov>. Questions concerning the plan, and other Transition Administrator matters, including whether your 800 MHz system must be relocated, should be directed to Brett Haan, BearingPoint, 1676 International Drive, McLean, VA 22102, Brett.Haan@800ta.org. For additional information on 800 MHz band reconfiguration issues, generally,

⁵ "NPSPAC Licensees" refers to public safety licensees currently licensed in the band segment 821-824 MHz/ 866-869 MHz. During band reconfiguration these licensees will be relocated to the band segment 806-809 MHz/ 851-854 MHz.

⁶ *TA Plan PN* at 2. See also *800 MHz Report and Order*, 19 FCC Rcd at 15061 ¶¶ 175-176; *800 MHz Supplemental Order*, 19 FCC Rcd at 25152 ¶ 72.

⁷ See Letter from Catherine W. Seidel, Acting Chief, Wireless Telecommunications Bureau to Robert B. Kelly, Esq. on behalf of the 800 MHz Transition Administrator LLC, WT Docket No. 02-55 (Jan. 31, 2006).

⁸ See Letter from Robert B. Kelly, Esq. on behalf of 800 MHz Transition Administrator, LLC, to Catherine W. Seidel, Acting Chief, Wireless Telecommunications Bureau, WT Docket No. 02-55, at 3 (Mar. 29, 2006). The TA also recommended modifying the negotiation schedule for NPSPAC licensees in Wave 1, which has already commenced, by extending the deadline for completion of mandatory negotiations by three months. We will address this recommendation separately at a later date.

⁹ *Id.* at 3.

¹⁰ *800 MHz Supplemental Order*, 19 FCC Rcd at 25152 ¶ 72.

¹¹ A list of NPSPAC regions assigned to Wave 2 and Wave 3 is attached to this *Public Notice*.

please contact Roberto Mussenden, Esq., Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau, at (202) 418-0680, TTY (202) 418-7233, or via e-mail to Roberto.Mussenden@fcc.gov.

Action by the Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau.

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APPENDIX
NPSPAC Regions Assigned to Wave 2

4 – Arkansas	34 – Oklahoma
12 – Idaho	38 – South Dakota
15 – Iowa	39 – Tennessee
16 – Kansas	40 – Texas (Central & Northeast)
17 – Kentucky	44 – West Virginia
22 – Minnesota	46 – Wyoming
24 – Missouri	49 – Texas – Central (Austin Area)
25 – Montana	51 – Texas – East (Houston Area)
26 – Nebraska	52 – Texas – Panhandle, High Plains & Northwest (Lubbock Area)
32 – North Dakota	

NPSPAC Regions Assigned to Wave 3

1 – Alabama
9 – Florida
10 – Georgia
18 Louisiana
23 – Mississippi
31 – North Carolina
37 – South Carolina

Note: Regions that are only a portion of a state or states are defined by counties. A list of the counties in each of these regions can be accessed at <http://www.fcc.gov/Bureaus/Wireless/Orders/1998/fcc98191.txt>.